



State Senator

Neal J. Kedzie

11th Senate District

2011 Senate Bill 159
Testimony of Senator Neal Kedzie
Senate Committee on Education
October 5, 2011

Chairman Olsen and members of the Committee, thank you for holding a public hearing today on 2011 Senate Bill 159.

SB 159 would require absolute sobriety for underage persons while on school premises. Under the bill, a person who violates this provision would be subject to a forfeiture of not more than \$200.

This bill was originally introduced last session as 2009 Senate Bill 421, and a public hearing was held last year.

This legislation was introduced on behalf of a constituent and high school associate principal, who identified a problem with current law as it relates to persons under the legal drinking age who consume alcohol prior to attending school functions.

This issue rose to the fore when a student who was intoxicated showed up at a school function, and was dealt with by school officials. The inebriated student was then cited for underage drinking by law enforcement. However, the citation was subsequently dismissed, as the parents of the student had provided the alcohol, which is legal under the law.

As you know, it is illegal for anyone under the age of 21 to possess or consume alcohol, unless accompanied by his or her parents. In addition, it is illegal for anyone to consume alcohol on school grounds. Usually, those laws are adequate for school officials to address underage drinking on school property. However, in the case of intoxicated students who receive alcohol from their parents, technically no violation of either law occurs, and thus, the underage student is not subject to a citation from local law enforcement. SB 159 seeks to remedy this loophole.

These types of incidents typically occur when a parent provides their son or daughter alcohol prior to a school function, such as a sporting event or a dance. The student attends the school-sponsored function while intoxicated, which currently is technically allowable under current law. While the school may be able to take action on its own, such as removing the student from the school, statutory authority to properly address this type of situation is currently lacking.

To paraphrase the school official who brought this issue to my attention, an irresponsible parent can essentially unleash their intoxicated child on the school, which is then in a position to supervise and deal with any problems that might arise from such action. And under these circumstances, the student is not currently subject to a citation from law enforcement.

The legislation contained in SB 159 would assist school officials and law enforcement to keep intoxicated students off of school grounds. Hopefully this will also send a message to parents and students that if underage students consume alcohol at home, it would be in their best interest for them to remain at home.

I would like to say for the record that this bill should in no way be construed as a criticism of school officials who must contend with the problems arising from intoxicated students. School officials are asked to deal with an increasing variety of student behavioral issues, and appear to be handling these issues to the best of their abilities.

With this in mind, I believe it is our responsibility to provide the legal framework for school officials and law enforcement to properly address this issue, close the loophole under current law, and continue our mutual efforts to address concerns about underage drinking.

Thank you for your time, and for your serious consideration of Senate Bill 159. I would be happy to answer any questions you may have.